IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

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**WRIT PETITION NO : 12787 of 2004**

Between:

Sri Kalagara Vigneswara rao S/o Late Subbarao
Buttaigudem Village & Mandal W.G.District

**..... PETITIONER**

AND

1 The Joint Collector, West Godavari District at Eluru
2 The Revenue Divsional Officer, Jangareddygudem, W.G.District
3 The Mandal Revenue Officer, Buttaigudem West Godavari District
4 The Deputy Superintendent of police,

Jangareddygudem , W.G.District

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 3rd respondent in RC.No.191/2004 (a) dt. 14/07/2004 as illegal arbitrary, without having any power and jurisdiction under the provisions of AP.S.A.L.T Regulation No.1 of 1959 as amended by 1/70 and set aside the same.

**Counsel for the Petitioner:MR.P.R.K.AMARENDRA KUMAR**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court at the admission stage made the following ORDER:**

By the impugned proceedings dated 14-07-2004, the persons who are in occupation of the lands of Buttaigudem Village were called upon to appear to know whether their occupation is in contravention of the provisions of A.P. Scheduled Areas Land Transfer Regulation 1 of 1970 or not.

Learned counsel for the petitioner submits that it is only the Special Deputy Collector, who is the competent authority to pass an eviction order but not the Mandal Revenue Officer, who issued the notice calling upon the petitioner to settle the land disputes.

By the impugned notice, the third respondent-Mandal Revenue Officer, Buttaigudem can only ascertain the nature of possession of lands of the persons including the petitioner. During the course of enquiry, if it is found contravention of Regulations, he cannot pass any eviction order nor direct the petitioner's ejectment from the land in question, except following the procedure as contemplated under the A.P. Scheduled Areas Land Transfer Regulation 1 of 1970 by lodging a complaint with the Special Deputy Collector.

The Writ Petition is accordingly, disposed of. No costs.

22nd JULY, 2004.

Note: furnish c.c. by wire

at party's costs.

B/o

kvni

To

1 The Joint Collector, West Godavari District at Eluru
2 The Revenue Divsional Officer, Jangareddygudem,
W.G.District
3 The Mandal Revenue Officer, Buttaigudem
West Godavari District
4 The Deputy Superintendent of police,

Jangareddygudem , W.G.District

5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

6 Two CD copies.